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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/748,683

12/31/2003

William Arthur Stewart Buxton

1500.1089

1974

21171 7590 12/17/2008

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EXAMINER

AMINI, JAVID A

ART UNIT

PAPER NUMBER

2628

MAIL DATE

DELIVERY MODE

12/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/748,683 | Applicant(s) BUXTON, WILLIAM ARTHUR STEWART | |
| | Examiner JAVID A. AMINI | Art Unit 2628 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-9, 11-17, 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/6/2008 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-9, 11-17, 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buxton et al. 6,115,025, hereinafter refer as Buxton, and in view of Daily et al. US 6,198,462 B1 hereinafter Daily.

1. Claim 1,

As per claim 1, "A graphical user interface displayed on a display and comprising a first graphical user interface part and a second graphical user interface part, the method comprising:", Buxton in figs. 3a and 3b clearly illustrates two parts 34 and 30. Buxton teaches the first graphical user interface part is automatically reoriented relative to the display in

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accordance with a change to **viewpoint** (i.e. noted similar to reference 36 shown in fig. 3a) orientation/location information of the display; and allowing the second graphical user (i.e. noted in col. 4 lines 38-39 element 30) interface part to remain in a same orientation relative to the display (i.e. noted display 32) regardless of the change to the **viewpoint** orientation/location information of the display.

Buxton is silenced specifying explicitly a graphical user interface that includes first, and second interface elements, with changeable viewpoint. However, it would have been obvious to one of ordinary skill in the art to recognize that the second graphical user can be considered as Buxton teaches in col. 4 lines 38-39 element 30, and the first graphical interface can be considered as element 34 in fig. 3a.

However, the second reference Daily teaches the first graphical user interface part (i.e. the image data viewing) is automatically reoriented relative to the display in accordance with a change to orientation/location information (i.e. noted in col. 4 lines 43-51 that a user controlled input position sensor 24 (i.e. the reference point of the user with respect to the display are) is coupled to workstation 12 and would preferably be a head coupled low latency head tracking position sensor 26 worn on the user's head as part of the head mounted display and having six degrees of freedom of movement (i.e., x, y, z, roll, pitch and yaw axes), said tracking sensor 24 is adapted for generating position control signal as an input to computer 12 to selectively change the selected viewing (i.e. similar to the first graphical user interface part) location based upon movement of the user's head. As Daily teaches in col. 2 lines 58-59 that view of data can be represented 3-D in the form of left and right eye views to the user.

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Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Daily teachings into Buxton's teachings, in order to minimize latency head tracking position sensor and user interfacing with data using the head tracker. On top of that the first graphical user interface can be achieved by Daily teachings that may be incorporate it with Buxton teachings of the second graphical user interface.

2. Claim 2,

A method according to claim 2, wherein the first part is a first user interface element and the second part is a second user interface element. Buxton at col. 4, line 30 teaches the claim limitations.

3. Claim 3,

A method according to claim 2, wherein a user explicitly determines the change to the orientation/location information. Buxton in fig. 6 step 86 teaches the claim limitation.

4. Claim 4,

A method according to claim 3, wherein the explicit determination comprises the user interactively inputting information that indicates an orientation. Buxton in fig. 6 step 86 teaches the claim limitation.

5. Claim 5,

A method according to claim 2, wherein the change to the orientation/location information is determined automatically based on a spatial orientation/location change relative to the display. The rejection of this claim is similar to the rejection of claim 1.

6. Claim 6,

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A method according to claim 5, wherein the automatic determination comprises at least one of sensing the orientation of an input device, sensing the orientation/location of a user, automatically identifying an identify of a user. Buxton in fig. 6 step 88, and in fig. 7 steps 112, 120 teaches the claim limitations.

7. Claims 8-9, 11-12,

Regarding claim 8, the combination of the two references teach the claimed limitations, and claim 8 is rejected with similar reason as set forth in claim 1, above. In view of following claims' limitations, it is not necessary to repeat, the rejection of claims 1-6 that applies to rejection of claims 8-9, 11-12.

8. Claims 13-17, 20-24,

Claim 13 is rejected with similar reason as set forth in claim 1, above. The rejection of claims 1-6 applies to rejection of claims 14-17, 20-24.

9. Regarding claim 19, the combination of the two references teaches the claimed limitations, and claim 19 is rejected with similar reason as set forth in claim 1, above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAVID A. AMINI whose telephone number is (571)272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Javid A Amini
Primary Examiner
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